

FILED

**NOTICE OF ASSESSMENT LIEN SALE**

2016 OCT 11 PM 3:03

STATE OF TEXAS                   §  
   §  
COUNTY OF COLLIN           §

SANDY WEND  
COUNTY CLERK  
COLLIN COUNTY, TEXAS  
BY: hm DEPUTY

WHEREAS, on or about December 4, 2015, a Notice of Lien was filed in the Deed Records of Collin County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Shiela C. Martin, the present owner of said real property, to Sandy Glen Homeowners Association, Inc. (the "Association"); and

WHEREAS, the said Shiela C. Martin has continued to default in the payment of its/his/her/their indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

NOW, THEREFORE, notice is hereby given that on Tuesday, November 1, 2016, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate at the southwest entrance of the Jack Hatchell Collin Administrative Building located at 2300 Bloomdale Road, McKinney, TX 75071., Collin County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 10:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

Said real estate is described as follows:

Lot 5, Block E, of Sandy Glen Addition, an addition to the City of McKinney, Collin County, Texas, according to the Final Plat thereof recorded in Volume N, Page 18, of the Map Records of Collin County, Texas; together with all buildings, fixtures and other real property improvements located on said real property; and the benefits and appurtenances on or appertaining to said real property and improvements (2801 Emerald Lane)

WITNESS my hand this 11 day of October, 2016

SANDY GLEN HOMEOWNERS ASSOCIATION, INC.

By: Jason R. Reed

Jason R. Reed, Substitute Trustee  
Riddle & Williams, P.C.  
3710 Rawlins Street, Suite 1400  
Dallas, Texas 75219

The within notice was posted by me on the 11 day of October, 2016, at the Collin County Courthouse in Collin, Texas.

Amia Dye

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
2801 Emerald Lane	§	COLLIN COUNTY, TEXAS
McKinney, TX 75071	§	
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	417TH JUDICIAL DISTRICT
AND SHIELA C. MARTIN		

**ORDER FOR FORECLOSURE**

On **March 9, 2016**, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action (the “Application”) was presented to the Court. **Sandy Glen Homeowners Association, Inc.** (the “Association”), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association’s assessment lien against 2801 Emerald Lane, McKinney, Texas 75071, and further described as follows:

Lot 5, Block E, of Sandy Glen Addition, an addition to the City of McKinney, Collin County, Texas, according to the Final Plat thereof recorded in Volume N, Page 18, of the Map Records of Collin County, Texas; together with all buildings, fixtures and other real property improvements located on said real property; and the benefits and appurtenances on or appertaining to said real property and improvements (2801 Emerald Lane) (hereinafter the “Property”).

The Court finds that the Association’s Application complies with Rule 736.1 of the Tex. R. Civ. Proc. The Court further finds that Respondent filed a response to the Application, and that Respondent were provided reasonable notice of the hearing conducted by the Court on the Application. The Court finds that the name and last known address of each respondent is as follows:

Shiela C. Martin  
2801 Emerald Lane  
McKinney, Texas 75071

The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants, Conditions and Restrictions for Sandy Glen (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Article VIII of the Declaration.
5. Article VIII, Section 8 (a) of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article VIII, Section 8 (b) of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.
8. Article VIII, Section 8 (b) of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of

delinquent assessments.

9. As of February 1, 2016, Respondent is 108 months in default in his/her obligations to the Association for a total of Seven Thousand Seven Hundred and Sixty Two Dollars and Seventeen Cents (\$7,762.17).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated October 2, 2015.
11. A Notice of Lien was filed on or about December 4, 2015 at Instrument No. 20151204001517220 in the office of the County Clerk of Collin, Texas, and Respondent was notified of same by letter dated December 3, 2015.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the December 3, 2015 letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

**THE COURT THEREFORE GRANTS** the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

**IT IS THEREFORE ORDERED** that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

**IT IS FURTHER ORDERED** that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent; and

**IT IS FURTHER ORDERED** that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON September 12, 2016.

  
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JUDGE PRESIDING